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California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful

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Gray Davis
Governor

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The Los Angeles Regional Water Quality Control Board is deeply concerned that storm water and urban runoff pollution continues to be the single greatest threat to our water quality in the Los Angeles region. To address this threat, this Regional Board, and indeed all Regional Boards throughout the State of California, are required by federal law to issue permits to municipalities so that, over time, this source of pollution is reduced to the maximum extent practicable. Last month, the Los Angeles Regional Board adopted an updated permit, the third issued in Los Angeles County since 1990, that includes updated measures intended to bring us closer to water quality that will meet our water quality standards.

Collectively, we are obligated by law to have a storm water permit that moves us forward in controlling this source of pollution. Federal law makes the cities and county responsible for what is discharged from their storm water collection system. Similarly, federal and state law make the Regional Board responsible for issuing permits that protect the waters of the Los Angeles region. There is no doubt that storm water pollution is a serious threat to our environment and economy and there is no doubt that "upstream communities" contribute significantly to the level of pollutants that find their way to our beaches. As each of you already know, the "Clean Beaches Program" is one of our highest environmental quality priorities.

The permit is very practical in its approach. The County of Los Angeles remains the lead Permittee and this arrangement allows individual cities to avoid many obligations and costs that they might otherwise incur. The permit adopted by the Regional Board was substantially modified from its first draft issued in April 2001. Three full drafts were prepared, each in turn, incorporating many of the comments offered by the cities as well as the county, who are together, responsible for permit implementation. In summary, the staff of the Regional Board expended enormous effort to meet with representatives of the Permittees over an eleven-month period, culminating in two mediation sessions facilitated by the United States Environmental Protection Agency and many changes made to the permit that reflected the preferences of the Permittees.

We understand that there are two principal areas of concern that have been raised during the development of the permit and which remain of concern. These are:

- Receiving water quality and the process to be used under the permit to address a lack of progress in meeting water quality standards and,
- A provision to shift from "site education visits" at pollution sources to "site inspections".

The former provision on receiving water language and what has come to be known as the "iterative" process, is language previously approved by the State Water Resources Control Board. This language has been contained in all municipal storm water permits in California since 1999. The State Board shaped the language as part of a precedential decision to address the concerns of dischargers and the environmental community, and to protect water quality. Because the language arises from a State Board

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precedential decision, the Regional Board did not have the discretion to depart from its provisions in any significant way.

The receiving water compliance process outlined in the permit allows for each Permittee to work cooperatively with the Regional Board to identify additional measures, if required, to improve water quality to meet receiving water standards. If the measures adopted do not achieve that result, further measures can be developed. This iterative approach is intended to obtain progress over time. The provision is expressly intended to serve as the vehicle by which the Regional Board will obtain Permittee compliance with receiving water standards. To that end, the key aspect is that a good faith effort be pursued by Permittees to utilize this process.

The latter provision on inspections is a limited effort to identify and correct sources of pollution that represent a significant threat to water quality. As contained in the permit, the inspection obligation is limited in scope and represents a minimal level of effort from that already required in the existing educational site visit program. A number of changes in the provisions of the inspection program were made as a result of the mediation process. It must also be noted that the inspection provision allows a considerable period of time to the Permittees to complete the first round of inspections (two and a half years) and significantly limits the scope of the inspection to the barest of requirements.

The storm water permit adopted by the Regional Board is a carefully crafted response to the pollution caused by storm water and seeks to advance our efforts to control pollution at its source while limiting permit obligations on each city to the greatest possible degree. Yet, I am deeply concerned that the story of this permit has not been fully communicated to each leader in our community.

Enclosed with this letter is a Question and Answer document that is intended to respond to some of the most important points raised by those who dispute elements of this permit. Each of us has an obligation to fulfill our responsibilities in a reasonable manner. I believe that the Regional Board has pursued a fair and equitable process, affording everyone involved the utmost opportunity for participation and comment. To a very great degree the comments made by Permittees were incorporated in the final permit. Nevertheless, the Regional Board's Executive Officer will, in the near future, be meeting with city and county representatives to engage in a dialogue to ensure that the provisions of the permit are clearly understood and, that any uncertainty in how elements of the permit are to be implemented, are discussed.

In closing, I simply ask that you weigh the advantages of improved water quality with the very limited additional obligations that each city is asked to assume. After careful consideration, it is my hope that the distraction of appeals and potential litigation and its costs will give way to a renewed commitment to improving the quality of our shared environment to the benefit of our citizens today and for future generations.



Francine Diamond
Chair

enclosure

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